

## **HAMPTON PLANNING BOARD – MINUTES**

July 30, 2003

**PRESENT:** Thomas Gillick, Chairman  
Robert Viviano, Vice Chairman  
Tracy Emerick, Clerk  
Tom Higgins  
Jack Lessard  
Keith Lessard  
Jim Workman, Selectman Member Alternate  
Jennifer Kimball, Town Planner  
\* Robert Bilodeau, Alternate - sitting in for discussion purposes only

**ABSENT:** *Skip Sullivan, Selectman*

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. K. Lessard to lead the Pledge of Allegiance.

### **I. CONTINUED PUBLIC HEARINGS:**

- 1) Richard A. & Ruth E. Bley  
8-Lot Subdivision at  
Timber Swamp Road  
Map 137, Lot 1  
Waivers Requested: Subdivision Regulations VII.C.2 (Stormwater Runoff)  
Owners of Record: Same as Above  
*Jurisdiction Accepted May 7, 200, extended by applicant*
- 2) Richard A. & Ruth E. Bley  
Special Permit Application for construction of culverts, wells and water lines  
within the Wetlands Conservation District associated with 8-Lot Subdivision at  
Timber Swamp Road  
Map 137, Lot 1  
Owners of Record: Same as Above

Mr. Peter Saari, Attorney representing the applicant, Mr. Richard Bley, applicant, Mr. Eric Weinrib and Mr. Tobin Farwell, Altus Engineering introduced themselves. Mr. Weinrib stated he received comments from Ambit Engineering and plan revisions have been made accordingly. Mr. Farwell explained some slight drainage issues and the essential treatment would be through the Hurd property (previously approved, by the Hurd family, in writing). Mrs. Kimball outlined there were ongoing issues the engineers just discussed, based on comments from DPW and Ambit Engineering who recently visited the site, that need to be clarified further.

Mr. K. Lessard asked to verify why the applicant is asking for the waiver for the storm water runoff. Mr. Farwell explains the current water flows to two wetland areas running under Timber Swamp Road - one is a 12-inch culvert, the other is a 30-inch culvert. Rather than to provide treatment and detention at the applicant's property line, there has been an agreement with the abutting property (Hurd) that owns wetland area - the proposal includes adding a

slight increase in flow to the abutting property, and treating it with vegetated swale in two locations. It is intended the subdivision owners of unit #5 will maintain this swale.

Mr. Emerick asks to clarify the additional amount of water being determined. Mr. Farwell proceeds to explain the existing 30 inch culvert flow conditions, with a two year storm, is 3.86 cubic feet per second – proposed is increased to 4.1 (a difference of .26cfs – approx. 8 gallons per second).

Mr. Higgins asks to point out the easterly brook, referred to in John Hangen's memo. Mrs. Kimball clarifies this was one of the misconceptions of the topography, correcting this issue, and comments will be made at a later date.

#### **OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.**

Mrs. Kimball asks the status of the sight distance. Mr. Weinrib answered when meeting with DPW at the site one of the easement/drainage swales posed an issue and they are working together to come to a resolution. Additionally, Mrs. Kimball referenced the Rockingham County Commission District previously commented on suggestions that lots wells can be moved out of the buffer. Mr. Weinrib offered they did meet NHDES requirements and the lot sizing allows this to work better.

Mrs. Kimball noted that the Board of Selectmen did approve the name "Summerwood Drive" for this project.

Mr. J. Lessard **MOTIONED** to close the public hearing and continue the referenced 8 Lot Subdivision and Special Permit Applications to the August 20, 2003 Planning Board meeting subject to:

- 1) Resolution of the storm water drainage and site distance issues with Ambit Engineering and Department of Public Works.

Additionally, revised plans (if needed) shall be submitted to the Planning Office by August 15, 2003. Mr. Viviano **SECONDED. VOTE: ALL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 2) Vertical Building & Development Company, LLC  
Site Plan Review for 49 Unit Condominium with 2 retail stores at  
Ocean Boulevard, J & K Streets  
Map 293, Lot 008; Map 290, Lots 144, 145, & 146  
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;  
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.

Mr. Peter Saari, Attorney for the applicant, Mr. Joseph Coronati of Jones & Beach Engineering, and Mr. Stephen Yas, Architect for this project introduced themselves. Mr. Yas opened with no new changes to the plans and having met this afternoon with some of the abutters, there may be other questions for the Board.

Mrs. Kimball summarizes: since the most current plans received July 10, 2003 the Board voted to continue this application subject to departmental reviews. She referenced comments from Ambit Engineering memo dated July 16, 2003 where they state being in approval of the storm water drainage system subject to other comments that were made in that memo.

The DPW comments will be forthcoming in writing to the Board and the Fire Dept. did not have any additional comments at this time, however, may have some structural comments should the project be built. All other reviews have been submitted and no further comments have been made. Mrs. Kimball noted the applicant did reduce their side set backs, based on comments from DPW, and proposed some sidewalks and street trees. Additionally, Mrs. Kimball requests a copy of the current West elevation. She continues to ask if there are any specific plans for external lighting other than the balconies. Mr. Higgins asks about lighting from the garage area, and around the back.

Mr. Yas indicated the proposal is to install sidewalks and street trees and turn over the future maintenance to the Town. Additionally, he comments on the balcony lighting being recessed into the building; retail display windows lit from within; landscape lighting around the courtyard; the garage would have light inside and over the door entrance; no lights in the back other than the balconies. It should be noted there are some streetlights on the telephone poles. The Board expressed consensus that the lighting plan is appropriate.

#### **OPEN PUBLIC HEARING:**

Ms. Lisa Erdnoff of Plaice Cove introduced herself. Ms. Erdnoff clarified that she has no major interest in this particular project. She reviewed the Master Plan and believes this is kind of investment the town is seeking for Hampton Beach. Overall, she agrees it will improve the residential district, adheres to the Master Plan goals, and supportive of year round residents.

Ms. Kim Barrone of 8 K Street introduced herself. Ms. Barrone thanked the applicant (and their representatives) for taking time to meet with her earlier this afternoon. Ms. Barrone questioned the rule of the multifamily dwelling requiring a 40' set back. Additionally, her concerns were the venting in the garage to be vented upward, flooding, drainage, west elevations, and windows/balconies.

Mr. Rich Post of 9 J Street introduced himself. Mr. Post's concerns were the 5' set backs being not enough and noted in the Fire Department memo dated May 28, 2003.

Mr. Mark Cobb of 8 J Street introduces himself. Mr. Cobb questioned where the water for the sprinkler system will come from.

Mr. Mike Scanlon of 4 J Street introduces himself. Mr. Scanlon's concerns were fire safety issues, swale, drainage, and flooding, obtaining a set of complete architectural and engineering plans, ADA (handicap) accessibility.

Ms. Jeanne Lilienthal of 7 J Street introduced herself. Ms. Lilienthal presented her concerns of the safety in her driveway accessibility coming in and out of, where will the snow be plowed, flooding, fire hazards, and set backs, because the only means of ingress/egress to the rear apartment is only 4' from this structure.

Mrs. Geannina Guzman-Scanlon of 4 J Street introduces herself. Ms. Guzman-Scanlon is concerned with one way in and one way out proposal, set backs, maintenance of the sidewalks and trees, snow removal, safety, and lighting.

Mr. Gillick, Mrs. Kimball, and Mr. Yas intermittently commented on some of the abutter concerns as follows: there has been previous approval granted to waive the 40' set back requirements for this project; it was clarified that there is currently a condition in place for the garage venting to be directed 'upwards'; water for the sprinkler system is currently planned for a separate main to the pump room and a dry system in the garage; there is a condition in place to have updated west elevations provided by the applicant; ADA accessibility is 100% and available in the front of the project through the court yard, as well as through the garage towards the elevator. In reference to the one way in and out, Mr. Yas explored different possibilities with the Board for one-way directions, and he believes not all 90 cars will be entering or exiting at the same time; there will be signage inside the garage reference to 'pedestrian crossing'; a mirror or laser/sensor device that operates a buzzer can be placed for additional visibility purposes. Mr. Yas feels the two-way is the best solution.

### **CLOSE PUBLIC HEARING.**

Mr. K. Lessard expressed his concern regarding the up slope/level out upon exiting the garage creating undue lighting conditions on the adjacent housing and that, being a potential disturbance, should be reconsidered in this project. Mr. Yas commented the entrance at J Street, exit at K Street, either direction is flexible and can be adjusted. Mr. Higgins commented K Street is the last 'up' street and should not be considered as the only exit for this garage.

Mr. Emerick **MOTIONED** to accept jurisdiction of "The Majestic" Amended Site Plan. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to continue the application to the August 20, 2003 meeting subject to:

- 1) Submittal of revised East & West elevations to the Planning Office by August 1, 2003,
- 2) Review of plans by the Fire Department and Department of Public Works, and,
- 3) Department of Public Works to review and comment on the proposed installation of sidewalk and street trees, as well as review and comment on proposed future maintenance of such to be the responsibility of the Town.

Additionally, submittal of final, revised plans (if needed) to the Planning Office by August 15, 2003. Mr. Higgins **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

- 4) Golden Corridor & Hampton Harbor Condominiums, LLC  
Lot Line Adjustments at  
3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road  
Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63;  
Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Helen C. Gilmore & Catherine F. Silver; James E. Gallagher;

- 5) Golden Corridor & Hampton Harbor Condominiums, LLC  
Site Plan Review for 21-unit Townhouse Condominium Development at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC
- 6) Golden Corridor & Hampton Harbor Condominiums, LLC  
Special Permit Application for work within the Wetland Conservation District  
associated with the multifamily Site Plan application at  
Duston Avenue/Harbor Road  
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3  
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

Mr. Peter Saari, Attorney representing the applicant and Mr. Joseph Coronati, of Jones & Beach Engineering introduce themselves. Mr. Gillick offered Mrs. Kimball to speak on behalf of the Board regarding various items that would 1) bring the Board up to date and, 2) distinguish items that may still be outstanding. Some items noted were:

- parking situation at the intersection of Harbor Road and "Old Bridge Road" brought forward by some of the abutters - (there is a meeting scheduled with Mr. Gillick, Mrs. Kimball, and Tom Matteson of the State Department to discuss this further).
- regarding drainage – Mrs. Kimball noted that she discussed the drainage with Mr. Coronati and that a waiver was needed to increase the runoff offsite (into the Harbor).
- regarding road easement for Harbor Road - Mrs. Kimball referenced memos from Ambit Engineering dated June 25, 2003, as well as a memo from Jones & Beach Engineers dated July 23, 2003 that responded to this area of concern not owned by the applicant. Attorney Saari addressed – there is an easement already in place for the road. Mrs. Kimball summarizes: the existing easement across Map 296, Lot 60 allows improvement, but not enlargement, of road and would allow for the subject property owner to maintain it.
- On Map 295, Lot 66, there should be an easement for Harbor Road – Mr. Saari agreed.
- comments from the Fire Department approving the road width have been received.
- The "at grade," brick sidewalk for a portion of the site (shown from the pier to the parking lot) was noted as a gravel base with sand to level it being of safe quality and it was Board consensus that this will be acceptable for this project.
- The applicant and Board agreed to structural engineering and design of the retaining wall as a condition and to be worked on with the abutter (Gebhart).
- Reference to the DPW memo dated July 15, 2003 stating all the issues they have raised have been addressed and should the Board approve this project there are some items that would be "conditions" to be met.
- Town Attorney memo dated July 17, 2003, and response memo from Jones & Beach dated July 23, 2003. Some items reference the pier safe docking and emergency access mooring. Mr. Workman noted a memo from the State of NH, Department of Safety reference to Homeland Security. Mr. Gillick suggested the Board invite Mr. Barrington to speak on this subject at the continued hearing of this application.

- Regarding traffic: it was Board consensus that the current plan by Vanasse dated June 26 ,2003, is acceptable as written with the 22' widened entry shown. Mr. Higgins wonders why the plan shows a curb line at the end of Harbor Road, adjacent to the Ocean Wok. The Board felt this may cause a traffic hazard. Mrs. Kimball suggests a separate letter to Vanasse to clarify their reasons for the 'extended curb line' at Harbor Road.
- Mrs. Kimball asked if the Board was satisfied with the pedestrian circulation to and from the lot. The Board discussed the pros and cons of "connectivity" to the areas off site, and could not reach consensus on the matter. Mr. Gillick suggested that the applicant discuss these issues with Vanasse.
- Regarding lighting at the Harbor & Ashworth intersection, the Board was satisfied that the intersection was appropriately lit as is.
- The Board requested that the applicant show the existing or proposed signage for the condominiums and harbor on Lot 295/66. The Board said that the sign could be lit if necessary for visibility (as long as it conformed with zoning regulations).
- The Board discussed trash collection – Mr. Coronati noted that the it is to be private and the residents would put the trash out along Harbor Road. There is not to be a dumpster. The Board felt that the project should have potential future dumpster location, especially near the common areas like the pier and pool. The Board would like to see this on the plans.
- Regarding monumentation of wetland buffer, it was Board consensus this would be inappropriate for this project and is waived.
- Noted at the previous meeting: the pool area in the buffer zone - this was previously deferred to DES and not a prohibited use, however, still under consideration.
- The applicant agreed to show the deed areas for lots 298/6 and 295/62.
- The applicant agreed to show the abutter for lot 298/1 on sheet G2.

## **OPEN PUBLIC HEARING:**

Ms. Linda Gebhart of 4 Bailey Avenue introduces herself. She requested a safety fence on top of the retaining wall to be built. Additionally, she requested to connect her sewer to the town sewer through this project. The Board explained to Ms. Gebhart that she may need Board of Selectmen approval for this and that she should discuss it with the Town Manager. She also noted that the applicant agreed to sign an agreement abandoning the ROW in front of her house and recognition of the survey she had of her property as a condition of approval.

She went on to ask if the existing businesses will continue on site once the condos are constructed. Mr. Saari noted that the businesses have long-term leases and may need to continue. Mrs. Kimball stated that if there will be any businesses on site that they will have to be part of the application because the current application is for residential use only. Mr. Saari agreed.

Mr. Jack Kavanagh of 14 Duston Avenue introduces himself. He is requesting no access from Duston Avenue to this project. Additionally, Mr. Kavanagh' concerns are the clubhouse activities being strictly for residents and not open to the public, and requesting to keep the public hearing open regarding this project. Mr. Saari stated that the clubhouse will be limited to condo association functions and not for the general public.

## **SUSPEND PUBLIC HEARING.**

Mr. Saari asked the Board about the connection to Duston Avenue, noting that the issue has come up often. The Board stated that it was in favor of the connection as required in Phase 1 of the project. The need is for public safety and that the Board required a design to prevent west-bound turns from the connection piece into the Marina (coming south from Duston Avenue).

***The Board expressed concern that the Pier issue be resolved before it accepts jurisdiction. Mrs. Kimball clarified that a memo would be sent to the Town Manager asking him to come to the meeting regarding this discussion.***

Mr. K. Lessard **MOTIONED** to continue all three Golden Corridor Phase II applications to August 20, 2003 subject to:

- 1) Submittal of Waiver Request (regarding onsite water treatment design system), fees, & updated abutters list to the Planning Office by August 4, 2003,
- 2) Submittal of revised plans showing:
  - existing/proposed signage for Condominium Association at Map 295, Lot 66
  - proposed future dumpster location
  - existing businesses currently under lease obligations
- 3) Review by Ambit Engineering, Vanasse & Associates, & the Town Attorney.

In addition, the Board will request Vanasse & Associates to clarify their reasoning for the “extended curbing” at Harbor Road and Route 1A and, submittal of revised plans (if needed) to the Planning Office by August 15, 2003. Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

## **II. CONSIDERATION OF MINUTES – July 16, 2003:**

Mr. Higgins noted to correct page 2, last paragraph: “this is a rare instance of ever getting four lots together; .

Mr. Workman points out on page 4, (Consideration of Minutes), to correct that he would have “*abstained*” on that motion.

Mr. K. Lessard **MOTIONED** to approve and amend the minutes as discussed. Mr. Viviano **SECONDED. VOTE: ALL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

## **III. CORRESPONDENCE:**

No correspondence to be discussed this evening.

## **IV. OTHER BUSINESS:**

No other business to be discussed this evening.

Mr. J. Lessard **MOTIONED** to adjourn. Mr. Higgins **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Janine L. Fortini

Planning Board Secretary

***Minutes as amended August 6, 2003***